



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Mr. J. D. Hall
State Board of Control
Austin, Texas

Dear Sir:

Opinion No. 0-1271
Re: "Immediate family" as used in
Eleemosynary Appropriation Bill
is limited to wife and legally
dependent children.

Yours of recent date received. You state that Mr. Corley has been appointed superintendent for the Alabama-Goushatti Indian Agency at Livingston, Texas, and that Mr. Corley is a bachelor whose mother lives with him and is supported by him, and whose sister, during her vacation period, lives with him.

You inquire, first, if Mrs. Corley, the Superintendent's mother, will be entitled to the free use of the enumerated provisions and benefits listed in the appropriation; and, second, whether Mr. Corley's sister, during her vacation and during the time she resides with him, would be entitled to the free use of the enumerated provisions and benefits.

The appropriation is to the Superintendent-farm supervisor, with provisions for self and family not to exceed in value \$350 per annum; also water, lights, fuel, and housing."

In the general provisions of this appropriation bill, under the head of "Perquisites of Employees," it is stated:

"When it is provided that the family of a superintendent, officer, or employee of any of the said institutions, are permitted to live at said institution, and are to be furnished with board, fuel, lights, laundry, water, housing, or any of said items, the word 'family' shall be construed to mean the immediate family of said superintendent, officer or employee, including himself, wife and legally dependent children."

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While generally speaking, under the facts stated in your inquiry, Mr. Coley's mother would be considered as a member of his immediate family and his sister would not, yet when you take into consideration the definition of "family" as that word is used in this appropriation bill, we are of the opinion that Mr. Corley's mother may not be considered as a member of his immediate family. The Legislature, in passing the bill, seems to exclude from the meaning of that term any other person other than himself, wife and legally dependent children.

The answer already given, of course, answers the inquiry with reference to Mr. Corley's sister.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (s) A. S. Rollins
Assistant

ASR:pbp:fo
APPROVED SEP. 16, 1939
(s) Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
BY (S) EWC , CHAIRMAN